CITY COUNCIL REPORT



MEETING DATE: August 26, 2003 ITEM No. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT REQUEST

Mirage Trail

Request

- 1. To approve a General Plan amendment from Commercial to Urban Neighborhood.
- 2. To rezone from Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD) to Medium-Density Residential, Environmentally Sensitive Lands (R-3, ESL) on a 5.1 +/-acre parcel located at the south of the Legends Trails Parkway and N Desert Ridge Drive.
- 3. To adopt Ordinance No. 3519 affirming the above rezoning.
- 4. To adopt Resolution No. 6328 affirming the above General Plan Amendment.

1-GP-2003 & 43-ZN-1990#2

Key Items for Consideration:

- This request is for General Plan and Zoning changes from commercial to residential to allow for condominium development.
- This request is not a major amendment (as defined in the General Plan).
- The General Plan amendment reduces intensity of land use.
- The existing C-2 zone allows commercial retail, office, timeshare, hotel, and motel uses.
- The proposed R-3 zone allows dwelling units including condominiums.
- The Planning Commission recommends approval, 5-0.

Related Policies, References:

- The General Plan was approved in October 2001.
- The Legend Trail master planned community was originally zoned in 1987, and is nearly built out.

APPLICANT/OWNER CONTACT

Mike Duffy Mirage Trail LLC 480-837-8700

LOCATION

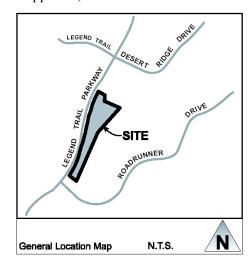
South of the Legend Trails Parkway & Desert Ridge Drive

BACKGROUND

Site Zoning and Design Review History.

1987 - The site was zoned C-2 HD in 1987.

1990 - Amendment of 1987 timing stipulation allowed zoning to stay in place.



1995 - Public hearing approved a site plan with 60 time-share units.

1996 - Design approval of the time-share units.

1998 - Re-approval of the design for the time-share units.

2001 to 2003 - Mirage Homes initially proposed condominium development, and then proposed to re-establish the 1998 time-share approval. As a result of the work of both applicant and neighbors, the proposal evolved to this general plan amendment and zone change request for condominium development.

Context.

This project is located east of Pima Road, on the east side of Legend Trail Parkway within the Legend Trail master planned community.

	General Plan Designation	Zoning	Existing Land Use
Subject Property	Commercial	Central Business District (C-2), Environmentally Sensitive Lands (ESL), Hill Side District (HD)	Unimproved, previously disturbed land as result of other construction activity.
North	Commercial	Central Business District (C-2), Environmentally Sensitive Lands (ESL), Hill Side District (HD)	Legend Trail community center
East	Suburban Neighborhoods	Open Space (O-S), Environmentally Sensitive Lands (ESL), Hill Side District (HD)	Golf course
South	Suburban Neighborhoods	Resort (R-4R), Environmentally Sensitive Lands (ESL), Hill Side District (HD)	Entrance and access road to single family residential subdivision.
West	Suburban Neighborhoods and Resorts/Tourism	Open Space (O-S), Environmentally Sensitive Lands (ESL), Hill Side District (HD)	Golf course, Municipal water facility, Golf maintenance facility

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The applicant proposes to develop the site with 36 condominium units, resulting in 7 units per gross acre. This is a reduction from the previously approved 60 time-share units (11.76 units per gross acre). In order to develop condominiums the general plan and zoning needs to be changed.

IMPACT ANALYSIS

General Plan.

Character

The General Plan Vision for character promotes a diverse and unique quality of design and development. The physical characteristics of the site location, with its buffers by a golf course and residential development, enhance the ability to create a good design. In addition, this site is located within a resort village and development associated with the Urban Neighborhood designation is characteristic of resort areas.

Land Use

The application requests changing from the Commercial designation to the Urban Neighborhoods designation. As defined in the General Plan, this

proposal is not a major amendment. The criteria used to make this determination include:

- The proposal is not increasing intensity;
- The proposal is below the acreage limits;
- The site is not located within an approved character area; and
- The proposed change does not result in premature increase in the size of master planned water transmission or sewer collection facilities.

The existing land use designation for this property is Commercial, and this category includes uses that provide goods and services to the surrounding neighborhoods, community, and region.

The proposed residential category includes multi-family dwellings. Densities are usually more than 8 dwellings per acre, but can be less. Higher densities are generally encouraged near commercial centers.

The General Plan further identifies this site as part of a larger resort village development that encourages a mix of land uses including residential neighborhoods, recreational facilities, and commercial centers. This request will eliminate the commercial component of this resort village. However, there are other commercial designated properties outside of the resort village that could be developed with commercial services.

Economic Vitality

This project proposes to add variety to the City's residential densities and housing types.

This project supports the economic vitality of the community by providing an alternative housing product in north Scottsdale that is predominately built with single-family detached residences. In addition, offering condominium housing can promote tourism for part-time residents who desire a home without the necessities and upkeep that a traditional detached dwelling unit requires.

The result of changing from a Commercial designation to a residential designation eliminates a potential employment site in the north end of Scottsdale. However, there remain other areas on the General Plan that are identified for commercial development and offer future opportunities for employment and retail development.

Housing

This General Plan amendment would allow more than 8 units per acre. This proposal limits the density to 36 units (7 units per acre), which is a decrease of 24 units from the previously approved 60 units.

Zone Change.

The existing C-2 zoning allows a variety of commercial retail and office uses, and motel/hotel/timeshare development. The proposed R-3 district allows dwelling units, day care homes, and municipal use. The intent of the R-3 district is to allow medium-density development with development standards

that offer flexibility while maintaining an environment compatible with single-family residential development. This site is located within the Environmentally Sensitive Lands Ordinance (ESL) area, and the development proposal will conserve natural area open space.

See Attachment #10, Development Information. Comparison of existing and proposed zoning and proposed site plan.

	C-2	R-3	Proposed Site Plan
Open Space	21% (with proposed building height)	36%	53%
Maximum Building Height	36 feet	30 feet	28 feet (height stipulation will allow 30-feet maximum per ESL measured from natural grade)
Density	Not less than 10 guest rooms/dwelling units for hotels/motels/timeshares and 1,000 square feet of land area per unit. Multiple family dwellings with 500 square feet of land area per unit.	3,370 square feet of land per unit.	6,175 square feet of land per unit.

Traffic.

Generally condominiums generate more traffic than time-share units. However, the 60% decrease in proposed units will result in an 11% decrease in overall daily trips. The AM peak hour trips actually increase by 1 trip and the PM peak hour trips decrease by 3 trips.

Legend Trail Parkway has a low volume of traffic. The median break driveway and the right in and right out driveway will operate acceptably.

Water/Sewer.

This proposal results in a reduction of units planned for Parcel D. The existing water distribution and sewer collection lines were sized for the originally proposed higher water demand use and will provide adequate capacity for this development.

Schools District comments/review.

This site is located within the Cave Creek School district boundaries. The school district has indicated that they have no concerns about the project, as it is projected to generate approximately 12 to 18 new students.

Community involvement.

The neighbors were initially opposed to the time-shares and beginning in late 2001, the applicant and the neighborhood property owners have worked towards a solution for the development of this property. The applicant and neighborhood have a private agreement to limit density to 36 units; limit height to the previous design approval; limit the number of days for rental of units; and to change the General Plan and zoning for this area. See the Citizen Involvement attachment for more details. Below is a chart of issues identified

and resolutions to those issues.

Issue	Resolution/Comment		
Legend Trail community desired to purchase property for open space.	Legend Trail community-wide vote did not receive the required number of votes needed to purchase the property.		
 Condominium use Limit rental period to 90-days 36 units maximum Height of buildings as approved in case 121-DR-1995#3 (one story: 17 feet, 8 inches measured from finished floor; and two story: 28 feet and 32 feet measured from finished floor) No on-street parking No shared vehicle access between the condominium property and the Legend Trail Community Center 	Legend Trail and the developer of this property entered into a private agreement that establishes development criteria. The ESL requires building height to be measured from natural grade and the stipulations affirm R-3 and ESL zoning for a maximum building height of 30 feet measured from natural grade.		
Reduce density	Decrease density by 24 units compared to the previously approved 60-unit timeshare project.		
Reduce intensity of land use	Request change from commercial zone to residential zone.		
Limit building heights, maintain view corridors.	Buildings with predominant orientation towards Legend Trail Parkway are limited to 1-story, while the buildings along the golf course are 2-story.		

OTHER BOARDS AND COMMISSIONS

Planning Commission:

The Planning Commission heard this case on May 28, 2003. There were 3 individuals present at the hearing who expressed their support of the requests. The Planning Commission added direction for the Development Review Board to:

- Eliminate unneeded height such as screening walls for mechanical units at the roof top and other architecturally unnecessary height to achieve a lower height closer to 24-feet; and
- Design the buildings so that the buildings are more consistent with the surrounding development.

The Planning Commission recommends approval, 5-0 subject to stipulations.

RECOMMENDATION

Staff recommends approval subject to the attached stipulations.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

Current Planning Services

STAFF CONTACT(S)

Kira Wauwie AICP Randy Grant
Project Coordination Manager Chief Planning Officer

480-312-7061 480-312-7995

E-mail: kwauwie@ScottsdaleAZ.gov E-mail: rgrant@ScottsdaleAZ.gov

APPROVED BY

Kroy Ekblaw Date
General Manager, Planning & Development Services Department

Ed Gawf Date
Deputy City Manager

ATTACHMENTS

- 1. Applicant's General Plan Narrative
- 1A. Applicant's Zoning Narrative
- 2. Context Aerial
- 2A. Aerial Close-Up
- 3. Land Use Map
- 4. Existing Zoning Map
- 4A. Proposed Zoning Map
- 5. Stipulations
- 6. Additional Information
- 7. Traffic Impact Summary
- 8. Correspondence
- 9. Citizen Involvement
- 10. Development Information
- 11. May 28, 2003 Planning Commission Minutes
- 12. Ordinance No. 3519
 Exhibit 1. Stipulations
 Exhibit 2. Zoning Map
- 13. Resolution No. 6328
 - Exhibit 1. General Plan Map
- 14. Site Plan

Mirage Trail

General Plan Amendment Narrative

o Date: 12 March 2003 (revised 5/6/03)

o Case No.: 1 - GP - 2003 o Project Name: Mirage Trail

- o Location: East Side of Legend Trail Parkway, south of
- o Applicant: Mirage Trail, LLC o Owner: Mirage Trail, LLC
- o Proposed Land Use: Thirty-six (36) Condominiums. Proposed use requires a minor general plan amendment from Commercial to Residential.

Existing Land Use Categories: "Commercial"

- Proposed new Land Use Element: "Urban Neighborhood"
- o Parcel is 5.10 acres (gross) and 3.96 acres (net).

o Total Units/density: 36 units / 7.05 du/gross acre

Adjacent street classification: See circulation plan exhibit.

"Preserve Meaningful Open Space"

Mirage Trail conforms in the following ways:

o By providing Natural Area Open Space throughout the project in conformance with the Environmentally Sensitive Lands Ordinance

By providing usable open space within higher-density residential settings,

including areas for active recreation and trails

 By working with neighbors to preserve view corridors and reduce visual intrusion into surrounding land

"Enhance Neighborhoods"

Mirage Trail conforms in the following ways:

By supporting the blending of new and old neighborhoods through close work with neighborhood associations and careful attention to how Mirage Trail's perimeter fits with its neighbors

"Support Economic Vitality"

Mirage Trail conforms in the following ways:

- By providing a variety of residential densities and housing types appealing to buyers with a wide variety of incomes
- By providing office space to support employment

"Seek Sustainability"

Mirage Trail conforms in the following ways:

"Value Scottsdale's Unique Lifestyle and Character"

Mirage Trail conforms in the following ways:

 By being harmonious with surrounding land uses, architectural character and landscape setting

o By providing a trailhead for access to the wash trail corridor

o By the use of materials, colors and forms that are consistent with the surrounding character area

"Advance Transportation"

Mirage Trail conforms in the following ways:

- By conforming with current City vehicular and non-vehicular transportation plans
- By reducing vehicular miles traveled, by providing residential uses in close proximity to the recreational amenities of Legend Trail.
- 2. How does the project respect, protect and blend with the character elements identified above? What is the land use relationship with the surrounding properties? What is the existing character of the site?

As explained in the Master Plan project narrative, this project area has been "in flux". The subject parcel directly adjacent to the Community Center of Legend Trail was originally planned to contain 60 timeshare units, the current re-zoning requests are much more consistent with neighboring residential interests and neighborhood character.

The developer of Mirage Trail has conducted a long community-review process that has involved all neighboring homeowners associations and the Northeast Scottsdale Property Owners Association. Through this dialog, many changes have been made in the type, location and design of the proposed projects, including a reduction in the amount of commercially-zoned land, commercial and residential height limits, protection of existing views, reductions in traffic generation, and a decrease in the number of dwelling units.

Changes in zoning and general plan categories are requested from C-1 ESL to R-3 ESL is 3.96 acres. The requested zoning and general plan changes allow for a residential condominium property, which is aesthetically compatible with both the adjacent existing single family and town-home communities.

Refer to the master plan exhibits, which overlay the proposed developments on existing aerial views; these clearly show the context of the site and its relationship to surrounding land uses.

3. Explain how the project conforms to General Plan maps, goals and quidelines.

*Quotes are from the Scottsdale General Plan text.

Mirage Trail conforms fully with the General Plan policies on residential land uses. The medium-density condominium uses conform by being "*...used as a transition between less intense residential areas and non-residential areas such as the clubhouse..." by forming a transition between lower-density residential to the more intense clubhouse uses to the north. Infill piece.

This project conforms as a master planned development, where "*...a master-planned development will include a variety of residential densities or dwelling types..." while keeping the gross density below that allowed by the Land Use Plan.

Finally, the intensive citizen-involvement efforts have ensured that this project will compliment and promote high-quality environmental design consistent with the Legend Trail Project.

4. Does this project increase the impact of infrastructure development as compared to the general plan? How will these impacts be ameliorated?

This project has no adverse impact on infrastructure costs, as borne out in the Trip Generation Comparison Analysis and the up-dated utility studies provided by Kimley-Horn Engineers. The proposal reduces traffic impacts and energy consumption, and does not require infrastructure investment beyond that anticipated in the General Plan or is already in place.

5. Describe the key issues with respect to the General Plan that are identified by the surrounding neighborhoods. What adjustments or refinements have been made to the plan in response to these issues?

Key elements were identified by surrounding neighbors and adjustments or refinements made to the plan to accommodate them.

The owner/developer had significant neighborhood input that was then incorporated into the design. Issues raised and incorporated included;

- 1. Density
- 2. Land use
- 3. Setbacks
- 4. Open space
- 5. View corridor

6. Building heights

Mirage Trail has incorporated reduced density, height restrictions, revised land use, and setbacks.

Mirage Trail

ANALYSIS OF POTENTIAL AMENDMENTS TO THE GENERAL PLAN

- Change for Commercial (60 Timeshare units) to Residential (36 Condominium units)
- No Adverse Impacts to Land Use, Traffic, Utilities, etc.

Mirage Trail

NARRATIVE FOR REZONING CASE 43-ZN-1990 #2

- Change from Commercial (C-2, HD, ESL) zone district to Medium Density Residential (R-3, ESL) zone district
- Site is 5.10 gross acres.
- Site is 3.96 net acres.

As explained in the General Plan narrative, this project area has had several developments considered and approved in the past. The subject parcel directly adjacent to the Community Center of Legend Trail was most recently approved for 60 timeshare units. The developers have proposed rezoning to a medium density residential zone district which would be much more consistent with neighboring residential interests and neighborhood character.

The developer of Mirage Trail has conducted a long community-review process that has involved all neighboring homeowners associations and the Northeast Scottsdale Property Owners Association. Through this dialog, the proposed project has evolved into a residential product that addresses height limits, protection of existing views, reductions in traffic generation, and a decrease in the number of dwelling units.

Change in zoning is requested from C-2, HD, ESL to R-3 ESL is 3.96 acres. The requested zoning and general plan changes allow for a residential condominium property, which is aesthetically compatible with both the adjacent existing single family and town-home communities.

Refer to the master plan exhibits, which overlay the proposed developments on existing aerial views; these clearly show the context of the site and its relationship to surrounding land uses.



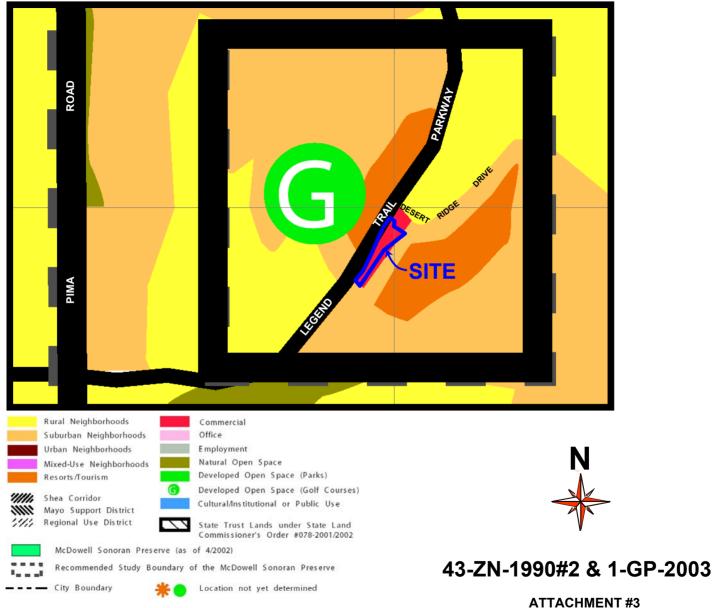
ATTACHMENT #2



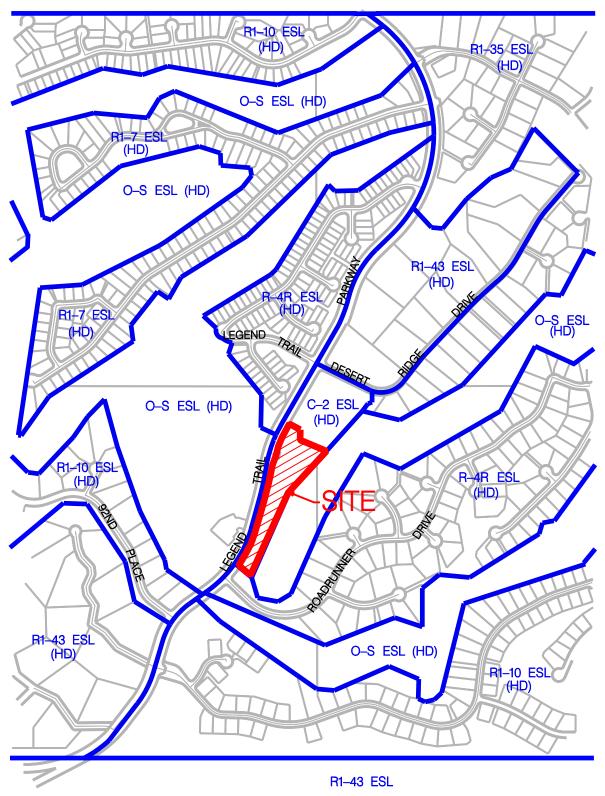
Mirage Trail

43-ZN-1990#2 &1-GP-2003

General Plan

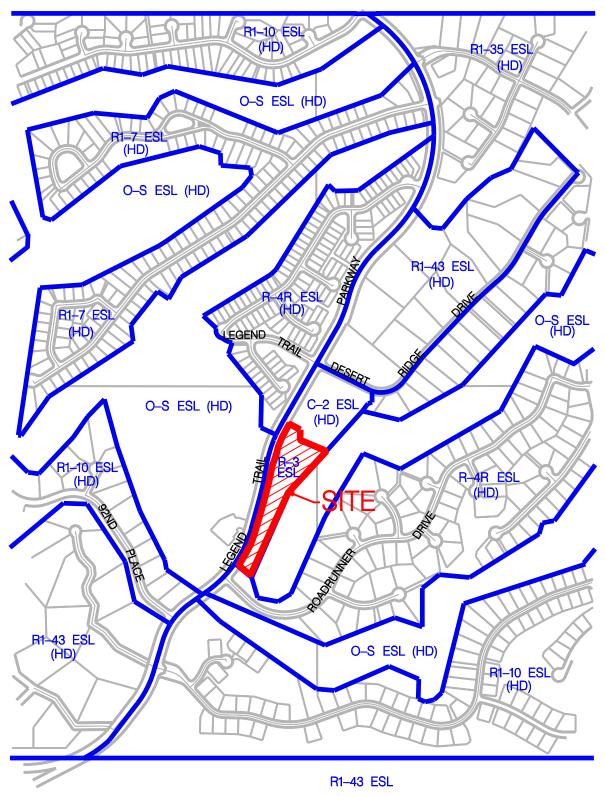


Adopted by City Council October 30, 2001 Ratified by Scottsdale voters March 12, 2002 revised to show McDowell Sonoran Preserve as of April 2, 2002



43-ZN-1990#2 /1-GP-2003





43-ZN-1990#2 /1-GP-2003



STIPULATIONS FOR CASE 43-ZN-1990#2

PLANNING/ DEVELOPMENT

- CONFORMANCE TO SITE PLAN. Development shall conform to the site plan submitted by Mirage Homes and dated 24 April 2003. These stipulations take precedence over the abovereferenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 2. MAXIMUM DWELLING UNITS. The number of dwelling units on the 5.1 gross acre site shall not exceed thirty six (36) without subsequent public hearings before the Planning Commission and City Council.
- 3. BUILDING HEIGHT. The number of stories per building shall be limited as shown on the site plan submitted by Mirage Homes and dated 24 April 2003 and the garage buildings shall not be more than one story. The maximum building height for one-story buildings shall be 17-feet 8-inches, and the maximum building height for two story buildings shall be 30-feet. Garage building height shall not exceed a one-story building height of 17-feet 8-inches. All building heights are subject to the Zoning Ordinance ESL building height measurement from natural grade.

CIRCULATION

- 1. ACCESS RESTRICTIONS. Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
 - a. Legend Trail Parkway The developer shall dedicate a one foot wide vehicular non-access easement on this street except at the approved street entrance.
 - b. Legend Trail Parkway There shall be a maximum of two site driveway[s] from Mirage Trails providing access to this subject site, with a minimum of 330 feet between the driveway[s] and street intersection[s]. There are existing driveways one which is proposed for this subject site and one which provides access to the existing community building to the north of this subject site; these driveways are 315 feet between one-another and may remain as such. If the existing driveways are relocated then they must be spaced with not less than 330 feet between the driveways.
 - c. Legend Trail Parkway The southern site driveway shall be right-in, right-out only.
- 2. PRIVATE STREET CONSTRUCTION. All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - a. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - b. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - c. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

DRAINAGE AND FLOOD CONTROL

- 1. CONCEPTUAL DRAINAGE REPORT. With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the <u>Design Standards and Policies Manual</u> Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
 - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- verses post-development discharge comparison of ALL washes that exit the property.
 - b. Determine easement dimensions necessary to accommodate design discharges.
 - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
 - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
 - e. Include a complete description of requirements relating to project phasing.
- 2. FINAL DRAINAGE REPORT. With the improvement plan submittal to the Plan Review/Permitting Services, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the <u>Design Standards and Policies Manual</u> Drainage Report and Preparation. In addition, the final drainage report and plan shall:
 - a. Demonstrate consistency with the approved master drainage plan and report titled Preliminary Drainage Report for Parcel D – Phase II Legend Trail Development, 2nd revision prepared by Coe and Van Loo dated January 9, 2003 and the supplemental preliminary drainage report Parcel –D Phase II Legend Trail Development Prepared by Kimley Horn and Assoc. dated March 14,2003.
 - i. Any design that modifies the approved master drainage report requires from the developer a site-specific addendum to the final drainage report and plan, subject to review and approval by the city staff.
 - ii. Addendum generated by the final drainage analysis for this site shall be added to the appendix of the final drainage report.
 - b. Provide final calculations and detailed analysis that demonstrate consistency with the accepted conceptual drainage plan and report.
- 3. STORM WATER STORAGE REQUIREMENT. To comply with storm water storage ordinance, the developer shall only provide an additional 0.38 acre-feet of onsite storm water storage, to the satisfaction of city staff. If the developer cannot provide the 0.38 acre-feet of storage, then the developer shall apply to obtain a storm water storage waiver and conform to a pre vs post storm water storage regime and contribute in-lieu fees.
- 4. STORM WATER STORAGE EASEMENTS. With the Development Review Board submittal, the developer shall submit a site plan that includes and identifies tracts with easements dedicated for the purposes of storm water storage, in conformance with the <u>Scottsdale Revised Code</u> and the <u>Design Standards and Policies Manual</u>.
- 5. DRAINAGE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the <u>Scottsdale Revised Code</u> and the <u>Design</u> Standards and Policies Manual, all drainage easements necessary to serve the site.

VERIFICATION OF COMPLIANCE

1. REQUIRED SPECIAL INSPECTIONS. Before the approval of the improvement plans, the Plan Review/Permitting Services staff shall specify those drainage facilities that shall be required to

have Special Inspections, and the developer shall pass the Special Inspections to the satisfaction of city staff. See Section 2-109 of the <u>Design Standards and Policies Manual</u> for more information on this process.

- 2. CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT. Before the issuance of a Grading & Drainage Permit:
 - a. The developer shall certify to the Plan Review/Permitting Services, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and.
 - b. The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.
- CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE. Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:
 - a. The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
 - b. The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.
- 4. AS-BUILT PLANS. City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff. The developer shall provide the As-built plans within 30 days of the request.

WATER

- BASIS OF DESIGN REPORT (WATER). Before the improvement plan submittal to the Plan Review/Permitting Services, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the <u>Design</u> <u>Standards and Policies Manual</u>. In addition, the basis of design report and plan shall:
 - a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
 - b. Identify the timing of and parties responsible for construction of all water facilities.
 - c. Include a complete description of requirements relating to project phasing.
- APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Plan Review/Permitting Services, the developer shall have obtained approval of the Basis of Design Report.
- 3. NEW WATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary

to serve the site. Water line and water related facilities shall conform to the city <u>Water System</u> Master Plan.

4. WATERLINE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the <u>Scottsdale Revised Code</u> the <u>Design Standards and Policies Manual</u>, all water easements necessary to serve the site.

WASTEWATER

- 1. BASIS OF DESIGN REPORT (SANITARY SEWER).). Before the improvement plan submittal to the Plan Review/Permitting Services, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the <u>Design Standards and Policies Manual</u>. In addition, the basis of design report and plan shall:
 - a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
 - b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
 - c. Include a complete description of requirements relating to project phasing.
- APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Plan Review/Permitting Services, the developer shall have obtained approval of the Basis of Design Report.
- 3. NEW WASTEWATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.
- 4. SANITARY SEWER EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the <u>Scottsdale Revised Code</u> and the <u>Design Standards and Policies Manual</u>, all sewer easements necessary to serve the site.
- 5. CONVEYANCE OF TRACTS/LOTS. Unless otherwise agreed to in writing by the Asset Management Coordinator, each tract or lot dedicated to the city shall be: conveyed by a general warranty deed, and accompanied by a title policy in favor of the city, both to the satisfaction of city staff as designated by the Asset Management Coordinator.

OTHER REQUIREMENTS

- 1. ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS. All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site http://www.epa.gov/region.
 - a. The developer shall:
 - b. Submit a completed Notice of Intent (NOI) to the EPA.
 - c. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.

- NOTICE OF INTENT (NOI). With the improvement plan submittal to the Plan Review/Permitting Services, the developer shall submit a copy of the NOI.
- 3. SECTION 404 PERMITS. With the improvement plan submittal to the Plan Review/Permitting Services, the developer' engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
- 4. DUST CONTROL PERMITS. Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
- 5. UTILITY CONFLICT COORDINATION. With the improvement plan submittal to the Plan Review/Permitting Services, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
- 6. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ). The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
 - a. Before approval of final improvement plans by the Plan Review/Permitting Services, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
 - b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
 - c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
 - d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
 - i. Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
 - (1). Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Builts, as issued by the MCESD.
 - (2). Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
 - (3). Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
- 7. Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

ADDITIONAL INFORMATION FOR CASE 43-ZN-1990#2

THE "ADDITIONAL INFORMATION" SHOWN IN BOLD AND CAPITAL LETTERS WAS ADDED BY THE PLANNING COMMISSION AT THE MAY 28, 2003 HEARING.

PLANNING/DEVELOPMENT

- DENSITY CONTINGENCIES. The approved density for each parcel may be decreased due to drainage issues, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.
- 2. DEVELOPMENT REVIEW BOARD. THE CITY COUNCIL DIRECTS THE DEVELOPMENT REVIEW BOARD'S ATTENTION TO:
 - a. MITIGATE SUPERFICIAL HEIGHT TO ACHIEVE A LOWER HEIGHT CLOSER TO 24-FEET: AND
 - b. MITIGATE THE CHARACTER OF THE BUILDINGS SO THAT THE BUILDINGS ARE MORE CONSISTENT WITH THE SURROUNDING DEVELOPMENT.

ENGINEERING

- RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE. The developer shall be
 responsible for all improvements associated with the development or phase of the development
 and/or required for access or service to the development or phase of the development.
 Improvements shall include, but not be limited to washes, storm drains, drainage structures,
 water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street
 signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city
 to provide any of these improvements.
- 2. FEES. The construction of water and sewer facilities necessary to serve the site shall not be inlieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
- 3. STREET CONSTRUCTION STANDARDS. The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
- 4. CITY CONTROL OF ACCESS. The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

MIRAGE HOMES 43-ZN-1990#2 1-GP-2003 TRAFFIC IMPACT SUMMARY

Existing Conditions:

The site is located on the east side of Legend Trail Parkway between Roadrunner Drive and Desert Ridge Drive. Legend Trail Parkway is designated as a Neighborhood Street on the Community Mobility Element of the new General Plan and functions as a Major Collector as designated on the Circulation Element of the old General Plan. There are no traffic signals in the area.

Accident data was reviewed from January 1, 2002 to the present. During that time period, there have been no collisions at the intersection of East Roadrunner Drive and Legend Trail Parkway Road or at the intersection of Desert Ridge Drive and Legend Trail Parkway. There were no collisions during this time on Legend Trail Parkway in the vicinity of the project.

The current volume of traffic using this section of Legend Trail Parkway is substantially below its capacity of 30,000 vehicles per day.

Legend Trail Parkway is constructed to a cross section of 2 northbound lanes, 2 southbound lanes, with a landscaped median. The posted speed limit is 35 mph in the vicinity of the site.

Proposed Development:

The 5.1 acre site currently has a zoning designation of Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD), and a General Plan designation of Commercial. The proposal is to rezone to Medium-Density Residential, Environmentally Sensitive Lands and to change the General Plan designation to Urban Neighborhood. There is an existing site plan approval for 60 time-share units. The proposed site plan related to the rezoning and Plan change is for 36 condominium units. The estimated trip generation numbers for the existing and proposed development are presented in the table below.

TRIP GENERATION COMPARISON TABLE

02.12.01.101.001.11.1222							
	Daily	AM Peak Hour		PM Peak Hour			
Land Use	Total	In	Out	Total	ln	Out	Total
Proposed Use 36 condominium units	273	4	19	23	17	9	26
Previously Approved Site Plan 60 time-share units	306	15	7	22	12	17	29
Percent Difference	-11%			5%			-10%

The trip generation analysis indicates that there will be an 11% decrease in daily trips for the newly proposed condominiums versus the previously proposed time-share project. There will be a slight morning peak hour increase in trips and an afternoon peak hour decrease. The trip generation calculations are based on data contained in the Institute of Transportation Engineer's *Trip Generation*. The applicant has provided a trip generation comparison prepared by Kimley-Horn and Associates.

Two access points onto Legend Trail Parkway are proposed for the condominium project. The northerly access has been constructed and is a full access median break onto Legend Trail Parkway. A south access to Legend Trail Parkway will be opposite the median and will be right in and right out only.

Future Conditions:

Traffic volume on Legend Trail Parkway is low and both driveways will operate at a good level of service. The most difficult maneuver will be the left turn out from the north drive. However, with the modest levels of traffic anticipated, this movement should operate acceptably for the foreseeable future.

Summary/Conclusion:

This proposed project represents a reduction in daily and peak hour traffic. Legend Trail Parkway has a low volume of traffic. The median break driveway and the right in and right out driveway will operate acceptably.



April 7, 2003

Kira Wauwie Project Coordination Manager City of Scottsdale 7447 E Indian School Road Scottsdale, AZ 85251

Regarding

1-GP2003, General Plan Amendment

43-ZN1990#2, Rezoning

Dear Kira,

The Legend Trial Community Association (LTCA) is sending this letter to extend our support for the Rezoning and General Plan Amendment required for the 36-unit condominium project being submitted by Mirage Homes.

Over that last year we have worked with Mirage Homes to develop a project that can be supported by LTCA. The project we are supporting was memorialized in the December 6th, 2002 Agreement submitted by Mirage Homes as part of their application. In this agreement Mirage will develop a 36-unit condominium project with restrictions on short-term rentals and certain other restrictions. We will provide the results of a community wide vote demonstrating support for the project and authorization for a tract amendment allowing condominiums to be built on the site. That vote was held and tract amendment was completed in January.

The project has strong neighborhood support and is supported by the Legend Trail Community Association.

Based on this support we would like to see the project move forward as quickly as possible and to that end we would like have it placed on the May Planning and Zoning Agenda.

Sincerely,

Gary Ireton President

Legend Trail Community Association

1-GP-2003 4/15/2003

1-GP-2003 & 43-ZN-1990#2 Mirage Trail

Attachment #9. Citizen Review

This attachment is on file at the City of Scottsdale Current Planning office, 7447 E Indian School Road, Suite 105.

Development Information

• Existing Use: Unimproved

• Buildings/Description: 5 condominium buildings with a total of 36 dwelling units

and separate garages.

• Parcel Size: 5.1 gross acres

• Building Height Allowed: 30 feet (measured from natural grade)

• Proposed Building Height: 28 feet as shown on site plan. Other documentation

proposes to match the previously approved development plans of one-story 17-feet, 8-inches; and two-story 28-feet and 32-feet measured from finished floor. The applicant has agreed to stipulations that allow one-story 17-feet, 8-inches; and two-story 28-feet, 32-inches measured from finished floor; and garages being one-story 17-feet, 8-inches; and that all building height shall be measured from the natural grade.

• Building Coverage: 22% units and garages

53% common open space (36% required)

25% other (circulation)

• Other: NAOS provided meets ordinance requirements and is

included with all of Parcel D, in accordance with previous

approvals.

ORDINANCE NO. 3519

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 43-ZN-1990#2, TO REZONE THE PROPERTY FROM CENTRAL BUSINESS DISTRICT, ENVIRONMENTALLY SENSITIVE LANDS, HILLSIDE DISTRICT (C-2, ESL, HD) TO MEDIUM-DENSITY RESIDENTIAL, ENVIRONMENTALLY SENSITIVE LANDS (R-3, ESL), ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LEGENDS TRAILS PARKWAY AND N. DESERT RIDGE DRIVE.

WHEREAS, Case No. 43-ZN-1990#2 has been properly noticed for City Council consideration, pursuant to the requirements of the Zoning Ordinance of the City of Scottsdale and the statutes of the State of Arizona, and the necessary citizen participation process and hearings have been completed; and

WHEREAS, the Council of the City of Scottsdale wishes to amend the comprehensive zoning map of the City of Scottsdale for this Property;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale and showing the zoning district boundaries, is amended by rezoning the Property marked as "site" on the map attached as Exhibit 2, incorporated herein by reference, from Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD) to Medium-Density Residential, Environmentally Sensitive Lands (R-3, ESL), on property generally located near the southeast corner of Legends Trails Parkway and N. Desert Ridge Drive.

<u>Section 2.</u> That the above rezoning is conditioned upon compliance with all stipulations attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 26th day of August, 2003.

ATTEST:	municipal corporation
Ву:	By:
Sonia Robertson City Clerk	Mary Manross Mayor
APPROVED AS TO FORM:	
Ву:	
C. Brad Woodford	
City Attorney	Attachment #12

RESOLUTION NO. 6328

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING AN AMENDMENT TO THE GENERAL PLAN FOR THE CITY OF SCOTTSDALE, TO AMEND THE LAND USE ELEMENT FROM CATEGORY COMMERCIAL TO CATEGORY URBAN NEIGHBORHOOD FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LEGENDS TRAILS PARKWAY AND N. DESERT RIDGE DRIVE.

WHEREAS, the City Council has solicited and encouraged public participation in the development of the General Plan amendment, and considered comments concerning the proposed amendment and alternatives; and

WHEREAS, the City Council, through its members and staff, has consulted and advised with public officials and agencies as required by Arizona Revised Statutes Section 9-461.06.B; and

WHEREAS, the City's Planning agency has, at least 60 days prior to the adoption of this amendment, transmitted the proposal to the City Council and submitted a review copy of the General Plan amendment proposal to each agency required by A.R.S. Section 9-461.06.C and all persons or entities who made a written request to receive a review copy of the proposal; and

WHEREAS, the City Council, has held a public hearing on August 26, 2003, and has incorporated, whenever possible, the concerns expressed by all interested persons;

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

<u>Section 1.</u> That the City Council hereby amends the General Plan Land Use Element for the City of Scottsdale, for the property generally located near the southeast corner of Legends Trails Parkway and N. Desert Ridge Drive and marked as "site" on the attached Exhibit 1 and incorporated by this reference, from Category Commercial to Category Urban Neighborhood.

Section 2. City Council hereby approves Case No. 1-GP-2003, relating to zoning case 43-ZN-1990#2.

<u>Section 3.</u> That copies of this General Plan amendment shall be on file in the Office of the City Clerk, located at 3939 N. Drinkwater Boulevard, Scottsdale, Arizona.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 26th day of August, 2003.

ATTEST:	CITY OF SCOTTSDALE, an Arizona municipal corporation
By: Sonia Robertson City Clerk	By: Mary Manross Mayor
APPROVED AS TO FORM:	
By: C. Brad Woodford City Attorney	

<u>5-AB-2003</u> (Ayoub Residence) request by Jesse McDonald, applicant, Jerry and Claudia Ayoub, owner, to abandon a portion of Mountain View Road alignment located on the north side of Mountain View Road and west of 116th Street. **Continued to June 25**, **2003**.

<u>76-ZN-1985#4</u> (Portales Stipulation #3) request by Anchor Forum Portales, applicant, Anchor National Life Insurance Company, owner, to delete stipulation #3 of Case 76-Z-85 on a 39.77 +/- acre parcel located at 4800 N Scottsdale Road with Downtown/Regional Commercial Office Type 2, Planned Block Development (D/RCO-2, PBD).

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

COMMISSIONER NELSSEN inquired why that stipulation was originally put in the agreement. Ms. Wauwie stated it is her understanding that in 1985, there was a great interest on the part of the City to have a hotel development in the downtown area and that stipulation was put in to encourage that.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 76-ZN-1985#4 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

<u>52-ZN-1997#2</u> (Osborn Commons) request by Scottsdale Osborn Holding Corporation, applicant, Dee Ann Skipton, owner, for a site plan amendment to 52-ZN-1997 on a 1.7 +/- acre parcel located at the northwest corner of Osborn Road and Bishop Lane with Downtown/Office Commercial Type 2 (D/OC-2) zoning. **Continued to June 25, 2003**

<u>1-GP-2003</u> (Mirage Trail) request by Mirage Trail LLC, applicant/owner, for a General Plan amendment from Commercial to Urban Neighborhood on a 5.1 +/- acre parcel located at the southeast corner of Legend Trail Parkway and N Desert Ridge Drive.

43-ZN-1990#2 (Mirage Trail) request by Mirage Trail LLC, applicant/owner, to rezone from Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD) to Medium-Density Residential, Environmentally Sensitive Lands (R-3, ESL) on a 5.1 +/- acre parcel located at the southeast corner of Legends Trails Parkway and N Desert Ridge Drive.

MS. WAUWIE presented cases 1-GP-2003 & 43-ZN-1990#2 as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

TIM MONTGOMERY, 34894 N. 92nd Place, spoke in favor of the request. He stated he is a Board member for the Legend Trail community. He further stated since Mirage purchased this property they have worked very closely with the affected homeowners and the homeowner controlled Board of Directors. He remarked they are totally

supportive of this change in the reduction of density from 60 units down to 36 for sale private ownership condos. He thanked Mirage for being partner oriented in terms of setbacks, heights, landscaping, and other issues.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER NELSSEN stated he appreciates the coordinated effort of working with all of the residents. This does seem to be an improvement.

COMMISSIONER NELSSEN MOVED TO FORWARD CASES 1-GP-2003 & 43-ZN-1990#2 TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL SUBJECT TO THE ATTACHED STIPULATIONS AND FOLLOWING NOTE TO THE DR BOARD:

- > THE DR BOARD SHOULD LOOK VERY CLOSELY TO SEE IF THEY COULD MITIGATE ANY SUPERFLUOUS HEIGHT.
- > PAY CLOSE ATTENTION TO THE DESIGN AND CHARACTER OF THE BUILDINGS.

SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

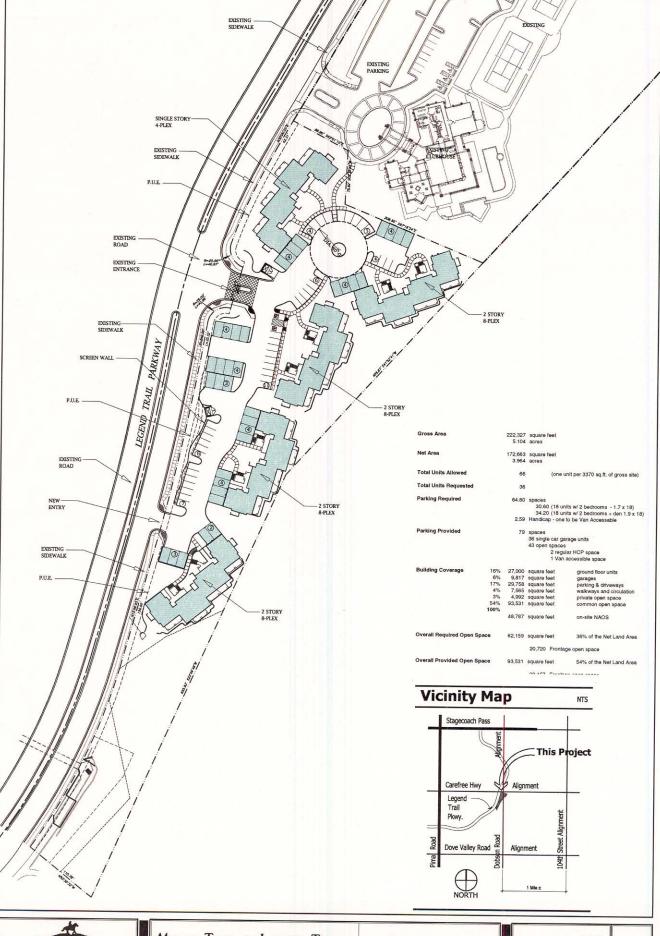
REGULAR AGENDA

<u>3-AB-2003</u> (12148 E Mountain View Rd) request by Tina Price/Bruce Haseley, applicant/owner, to abandon a portion of 121st Place right-of-way and a Government Land Office (GLO) roadway easement north of Mountain View Road and west of 121st Place.

MS. SUMNERS presented this case as per the project coordination packet. Staff recommends approval, subject to two stipulations:

- 1. Dedicate a 15-foot public trail easement along Mountain View Road.
- 2. Reserve a water and sewer line easement over, under, and across the east 20 feet of the subject 50 feet 121st Place right-of-way.

COMMISSIONER NELSSEN inquired if the adjacent properties on either side east or west have abandoned those easements. Ms. Sumners replied she is not aware if those have been abandoned. She stated she has not researched the titles on those properties. Commissioner Nelssen stated the reason he asked is because these abandonments seem to go like dominos somebody in the neighborhood gets one and they seem to go on and on. He inquired how those structures got built in the GLO easement. Ms. Sumners stated she was not sure those buildings have been out there a long time. She request that the applicant address that question.





MIRAGE TRAIL AT LEGEND TRAIL

SITE PLAN



